THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION No.570 OF 1999

DATED: 24.10.2007

Between:

V. Hari Raja Gopal

.. Petitioner

And

The Executive Officer, Thirumala Tirupathi Devasthanams, Thirumala-Thirupathi and others.

.. Respondents

THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION No.570 OF 1999

ORDER:

This writ petition is filed seeking a Mandamus to direct the respondents to pay salary to the petitioner for the month of April 1998, Surrender Leave for the year 1997-98 and Night Duty Allowance for the months of January to March, 1998, and also to declare the action of the 2nd respondent in not drawing the salary for the period from 20.10.1998 to 25.10.1998 and not paying the same to the petitioner as arbitrary and illegal.

It appears, a charge memo was issued on the petitioner on 21.08.1998 enumerating as many as four charges on the ground of unauthorized absence of the petitioner to duties and the petitioner was asked to submit his explanation to the said charge memo within seven days from the date of the receipt of the same and it is also stated therein that if no explanation is received within the stipulated time, oral enquiry would be commenced. At that stage, the petitioner filed this writ petition for payment of certain emoluments, which are stated to be for the period of his alleged unauthorized absence.

There is no necessity of going into all the details.

Learned counsel for the respondents stated that after conducting a detailed enquiry into the matter, the disciplinary authority passed orders, dated 06.03.2000, imposing a punishment of stoppage

of two increments without cumulative effect and treating the period of unauthorized absence as *'dies non'*. It is also stated that challenging the said order, dated 06.03.2000, the petitioner preferred an appeal before the appellate authority and the same was also rejected vide order dated 29.03.2002 of the appellate authority. Copies of the order, dated 06.03.2000, of the disciplinary authority as well as the order, dated 29.03.2002, of the appellate authority were placed on record.

In view of the above, I am of the opinion that unless and until the period of absence is treated as on duty or otherwise, the petitioner is not entitled for any of the reliefs as sought for in this writ petition. Moreover, in view of the orders passed by the authorities, the cause in the writ petition has become infructuous and the writ petition is liable to be dismissed.

Accordingly, the writ petition is dismissed as infructuous. However, this will not preclude the petitioner from challenging the order of the appellate authority, confirming the order of the disciplinary authority, by way of statutory remedy of appeal. No order as to costs.

C.V. RAMULU, J

24th October, 2007.

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